

REMARKS

The following remarks and preceding amendments are responsive to the Office Action of September 14, 2004. Reconsideration of the application as amended and a notice of allowance are respectfully requested.

The Examiner has rejected claims 1-2 under 35 U.S.C. §102 (b) as being anticipated by Homer (EP 0 308 110). Claims 3-6 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Homer as modified by Wood (U.S. Publication No. 2002/0036610).

Applicant respectfully asserts that the rejection under 35 U.S.C. §102 (b) cannot be maintained against any claim unless each element in the respective claim is taught by Homer. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("a claim is anticipated only if each and every element as set forth in the claim" is found in the cited prior art reference).

Homer illustrates in Figures 1 and 2, and discloses in column 2, line 39 et seq., burner ports 6 (the burner head 5) formed completely and separately from a gas passage 1 (the skirt). Homer teaches connecting the two structures with lugs 10 on a notch plate 9. Homer further discloses at column 3, line 5 et seq., that this structure enables the changing of the burner ports 6 without changing the gas passage 1.

In comparison with Homer, the present invention illustrates in Figure 4, and discloses on page 10, line 3 et seq., forming, on two planar sheets, portions of the gas passage and the ports, and connecting the two sheets to form the gas passage and the ports. Accordingly, Applicant has amended claim 1 to recite the formation of a first sheet that contains portions of both the gas passage and the burner ports, a second sheet containing the matching portions of the gas passage and the burner ports, and connecting the two sheets to form the complete gas burner and burner ports. As Homer teaches forming the gas passage and burner ports on separate sheets, Homer fails to teach each element of claim 1 and the rejection under 35 U.S.C. §102 (b) has been obviated.

Verdegaal Bros., 814 F.2d at 631.

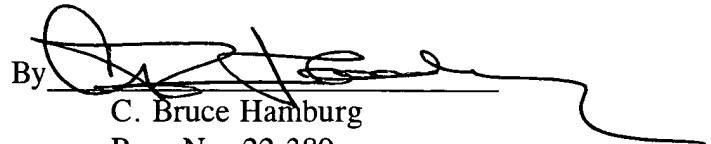
Regarding the remaining rejections, each of claims 2-6 depend from claim 1 and therefore contain the limitations of claim 1. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558 (Fed. Cir. 2000) (a claim that depends from a prior claim incorporates all the limitations of that claim). Accordingly, claims 2-6 distinguish over the prior art with claim 1.

Furthermore, Applicant has added new claims 7 and 8 to further distinguish the characteristics of the invention over the prior art.

For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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APPENDIX I

ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN

1. (Currently Amended) A burner head comprising:
 - a gas passage and at least one burner port;
 - said gas passage and burner port being formed by:
 - forming first and second planar metal sheets, each sheet comprising first and second primary metal materials, said first material being different from said second material;
 - forming, on said first and second sheets, a portion of said gas passage on said first material and a portion of said at least one burner port on said second material; and
 - connecting said first and second sheets for forming said gas passage and said at least one burner port.
 2. (Original) The burner head as set forth in claim 1, wherein:
 - said metal flat-plate material is a combination of a first metal primary material having high heat resistance and a second metal primary material having high workability, and

said burner-port constituting region and said gas-passage constituting region are formed, by press molding, in a first section of said metal flat-plate material which is formed of said first metal primary material and in a second section of said metal flat-plate material which is formed of said second metal primary material, respectively.

3. (Original) The burner head as set forth in either claim 1 or claim 2,

wherein:

said metal flat-plate material is comprised of different types of plate-like metal primary materials of different characteristics, said different types of plate-like metal primary materials being united together at end edges thereof in the same plane by butt-welding.

4. (Original) The burner head as set forth in claim 3, wherein:

each said end edge of said plurality of plate-like metal primary materials extends straightway so that a butt-welding region of said metal flat-plate material extends straightway, and

said butt-welding region is located at such a position between said burner-port constituting region and said gas-passage constituting region that said

burner-port and gas-passage constituting regions each undergo a minimum variation in shape.

5. (Original) The burner head as set forth in claim 3, wherein:

 said butt-welding operation is carried out by laser welding.

6. (Previously Presented) A gas burning appliance comprising a burner head as set forth in any one of claims 1 or 2.

7. (New) The burner head of claim 1, wherein said first and second planar sheets are a single sheet joined at a centerline.

8. (New) The burner head of claim 1, wherein said first and second planar sheets are separate sheets.